

CITY OF WILLOW SPRINGS

BILL NO. 16-24

ORDINANCE NO. 1616

**AN ORDINANCE OF THE CITY OF WILLOW SPRINGS REVISING
CHAPTER 125: MUNICIPAL COURT
OF THE WILLOW SPRINGS MUNICIPAL CODE**

WHEREAS, Chapter 125 of the Municipal Code of the City of Willow Springs, Missouri establishes the Willow Springs Municipal Court and outlines the procedures for its operation in accordance with the Missouri Supreme Court;

WHEREAS, certain laws and operational changes have been made by the Missouri Supreme Court;

WHEREAS, the Willow Springs Municipal Court has requested a revision of the ordinances in order to remain complaint with the Missouri Supreme Court;

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WILLOW SPRINGS, MISSOURI, AS FOLLOWS:

Section I. That Section 125.080 shall be amended as follows:

Section 125.080 Report to Board of Aldermen.

On or before the 15th of each month, the Municipal Division shall submit to the municipality a copy of the monthly case load summary report for the preceding month required by Court Operating Rule 4.28. This reporting requirement shall supersede and replace the reporting requirement established by section 479.080(3) RSMo. The Municipal Court shall pay to the Municipal Treasurer the full amount of all fines collected during the preceding month, if not previously paid to the Municipal Treasurer.

Section II. That Section 125.190 shall be amended as follows:

Section 125.190 Jailing of Defendants.

If, in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed by law to such Sheriff for the keeping of other prisoners in his/her custody.

Section III. That Section 125.260 shall be amended as follows:

Section 125.260 Failure to Appear in Municipal Court.

- A. A person commits the offense of failure to appear in Municipal Court if:
 - 1. He/she has been issued a summons for a violation of any ordinance of the City of Willow Springs and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 - 2. He/she has been released upon recognition of bond and fails to appear before the Judge of the Municipal Court at the time and on the date on which he/she was summoned, or at the time or on the date to which the case was continued;
 - 3. He/she has been placed on Court supervised probation and fails to appear before the Judge of the Municipal Court at the time specified by said Judge as a condition of the probation.
- B. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.
- C. No additional charge shall be issued for the failure to appear for a minor traffic violation.

Section IV. That Section 125.310 shall be amended as follows:

Section 125.310 Installment Payment of Fine.

When a fine is assessed for violation of an ordinance, the Municipal Court shall establish payment plan policies and procedures consistent with Missouri Supreme Court Rule 37.65 and sections 543.270, 558.004(4), and 558.006 RSMo. Prior to entering an order for a payment plan, when a fine, fee, or cost is assessed, or thereafter any time a fine, fee, or cost is due, if the Defendant/Debtor states that he or she is unable to pay the amount then due, the Municipal Judge shall inquire as to the Defendant/Debtor's ability to pay. If the Defendant/Debtor has the ability to pay but is unable to pay when assessed or due or the Defendant/Debtor has no ability to pay, the Municipal Court shall comply with the procedures set forth in Missouri Supreme Court Rule 37.65. Any payment plan, policy, or procedure established by the Municipal Court should state the plan's effective date, the minimum payment due at case disposition, the minimum monthly payment amount, the means by which the Municipal Court shall obtain the Defendant/Debtor's social security number pursuant to Court Operating Rule 4, and the collection procedure the Municipal Court will utilize if there is a default in the payment.

Section V. That Section 125.320 shall be amended as follows:

Section 125.320 Court Costs.

- A. In addition to any fine that may be imposed by the Municipal Judge in any case filed in the Willow Springs Municipal Division of the 37th Judicial Circuit Court, and in addition to all other fees authorized or required by law, there shall be assessed as costs the following:
 - 1. Costs of Court in the amount of twelve dollars (\$12.00).



2. *Police Officer training fee.* A fee of three dollars (\$3.00) is hereby established and assessed as additional Court costs in each Court proceeding, except that no such fee shall be collected when the proceedings against the defendant have been dismissed.
 - a. Two dollars (\$2.00) of each such Court cost shall be transmitted monthly to the Treasurer of the City and used to pay for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. The City shall not retain for training purposes more than one thousand five hundred dollars (\$1,500.00) of such funds for each certified Law Enforcement Officer or candidate for certification employed by the City. Any excess funds shall be transmitted quarterly to the City's General Fund.
 - b. One dollar (\$1.00) of each such Court cost shall be sent to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund created by Section 590.178, RSMo.
3. *Crime Victims' Compensation Fund.* An additional sum of seven dollars fifty cents (\$7.50) shall be assessed and added to the basic costs in Subsection (A)(1) of this Section, provided that no such cost shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the Court. All sums collected pursuant to this Subsection shall be paid at least monthly as follows:
 - a. Ninety-five percent (95%) of such fees shall be paid to the Director of Revenue of the State of Missouri for deposit as provided in Section 595.045.5, RSMo.
 - b. Five percent (5%) shall be paid to the City Treasury.
4. There shall also be assessed a two dollar (\$2.00) cost per case for each criminal case, including violations of any County or municipal ordinance, for the purpose of providing operating expenses for shelters for battered persons as set out in Section 488.607, RSMo.
5. In addition to any fine or other costs that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases for violations of any ordinance or any violation of criminal or traffic laws of the City, including an infraction, the sum of two dollars (\$2.00) for the development of a biometric verification systems and information sharing systems. Funds in the inmate prisoner detainee security fund may also be used for the maintenance, repair, and replacement of the information sharing or biometric verification system, and also to pay for any expenses related to detention, custody, and housing and other expenses for inmates, prisoners, and detainees.
6. There shall be assessed a state court automation surcharge of seven dollars (\$7.00) in all cases in which court costs are taxed. Said surcharge shall be collected by the Municipal Court and transmitted monthly to the Missouri Director of Revenue to the credit of the Missouri Statewide Automation Fund, as provided in Section 488.012.3(5), RSMo., and Section 488.027.2, RSMo.

7. Any other reasonable cost as may be otherwise provided by ordinance, including, but not limited to, medical costs incurred by the City while a defendant is in City custody, including any necessary transportation related thereto, and costs related to the arrest and testing of any person for any intoxication-related traffic offense as set out in Section 125.320(A)(8) hereof.
8. *Reimbursement of certain costs of arrest.*
 - a. Upon a plea or a finding of guilty of violating the provisions of Sections 342.020 or 342.030 of this Code or any ordinance of the City of Willow Springs involving alcohol- or drug-related traffic offenses, the Court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Police Department for the costs associated with such arrest.
 - b. Such costs hereby authorized shall include the reasonable cost of making the arrest, including the cost of any chemical test made as authorized or required by law or ordinance to determine the alcohol or drug content of the person's blood.
 - c. The Chief of Police may establish a schedule of such costs hereby authorized and shall submit the same to the Municipal Judge. However, the Court may order the costs reduced if it determines that the costs are excessive.
 - d. Upon receipt of such additional costs authorized by this Subsection, the City Treasurer shall retain such costs in a separate fund to be known as the "DWI/Drug Offense Cost Reimbursement Fund." Monies with such fund shall be appropriated by the Board of Aldermen to the Police Department in amounts equal to those costs so collected and shall be used by such department specifically to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the City.

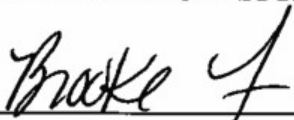
Section VI. That Section 125.330 shall be repealed.

Section VII. This Ordinance shall take effect and be in force after its passage and approval.

ADOPTED AND APPROVED this 23rd day of May 2024.


Attest:

Heather Tooley, City Clerk

CITY OF WILLOW SPRINGS



Brooke Fair, Mayor